

REMARKS

Claims 1-10 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1, 3, 4, and 8-10 have been amended to further improve their clarity and to overcome the specification objection. The claims no longer use the language "setting unit," "setting step," "setting instruction," and "setting module." Independent claims 1 and 8-10 now more clearly define the comparing and changing features. No new matter has been introduced.

Art Rejection

The examiner maintained the same art rejections. Specifically, claims 1-6 and 8-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Nakamura (USPGP 2002/0143568). Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakamura in view of Quistgaard (USPGP 2003/0009102). Applicant again traverses these rejections for the following reasons.

Independent claims 1 and 8-10 now call for acquiring license information including apparatus specifying information and program specifying information for specifying a program from an external unit. These claims further call for comparing the program specifying information with the start program identification information when the apparatus specifying information included in the acquired license information and the stored apparatus identification information match, and the program specified by the program specifying information included in the license information is identical to any of the programs. The start program management unit changes the start program identification information corresponding to the program specified by the program specifying information to be executed at the start of the image forming apparatus, when the program specified by the program specifying information has not been set to be executed at the start of the image forming apparatus in the start program management unit as the result of comparison.

Applicant previously explained that Nakamura does not disclose at least acquiring license information from an external device. In response, the examiner asserts that a user requesting a purchase of a license, subprogram (subprogram license), or purchase of a start of a trial (trial license) and receiving an electronic license key in response to the request correspond to acquiring license information from an external device, relying on Nakamura's paragraph 41-43 and 91.

Applicant disagrees with the examiner's assessment because the independent claims define the license information to include apparatus specifying information and program specifying information for specifying a program from an external unit.

Applicant also explained that Nakamura does not disclose setting a start program based on the specifying information included in the license information and the apparatus information stored in the storage device. In response, the examiner asserts that discriminating the input electronic key obtained with different keys to determine the type of usage (e.g., fully authorized, trial) corresponds to setting the start program feature. Applicant again disagrees because Nakamura does not disclose or teach managing a trial program during the start-up of its image processing apparatus, depending on whether a trial license key is present or absent. Indeed, Nakamura does not disclose starting up the trial program that was already activated during the start-up of the image processing apparatus based on whether the trial key is present or absent.

Specifically, Nakamura discloses an image processing apparatus that provides upgradable functions as programs, and includes a trial management system having a storage section 25 that holds the management program B2, and copier functional subprograms A1-AN, which include trial programs that can be activated by manually initiating the trial functions by inputting trial keys. Nakamura merely discloses managing the starting, terminating, and extending the trial period after activating a trial program.

Even if Nakamura were able to set the activated trial program to be executed at the start of its image forming apparatus for argument's sake, Nakamura still would not have disclosed or taught (1) comparing the program specifying information with the start program identification information when (a) the apparatus specifying information included in the acquired license information and the stored apparatus identification information match, and (b) the program specified by the program specifying information included in the license information is identical to any of the programs, and (2) changing the start program identification information corresponding to the program specified by the program specifying information to be executed at the start of the image forming apparatus, when the program specified by the program specifying information has not been set to be executed at the start of the image forming apparatus as the result of comparison.

Quistgaard, which was merely relied upon for the encrypting aspect, discloses a portable handheld ultrasound instrument performing both of B-mode image processing and Doppler image processing, while upgrading software and data of measuring instrument to an updated version or a modified version, using an encrypted keycode. Quistgaard would not have

alleviated Nakamura's shortcomings noted above even if the combination were deemed proper for argument's sake.

Conclusion

Applicant submits that claims 1-10 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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02 MARCH 2009

DATE

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